

USSN 09/491,969  
Atty. Docket No. 2001-0065-01

### Remarks

Claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 are pending in the above captioned application. Claims 10, 24, 27-29, 33-35, 38 and 39 have been previously cancelled pursuant to a restriction requirement.

Claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 stand rejected. For the below stated reasons the Examiner's rejections of claims 1-9, 11-23, 25, 26, 30-32, 36 and 37, have been rendered improper and applicants respectfully request that the Examiner withdraw the rejections of claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 and allow claims 1-9, 11-23, 25, 26, 30-32, 36 and 37.

Claims 1, 3, 5, 6, 7, 25-26, 30-32 and 36-37 stand rejected under 35 U.S.C. §102 (a) and claims 2, 9, 11-15 and 19 stand rejected under 35 U.S.C. §103 (a).

Claim 4 has been indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4, which was previously amended before examination in a preliminary amendment solely to correct the typographical error of a missing hyphen, has been rewritten to include all of the recitations of the base claim, claim 1, and there are no intervening claims.

Claim 25 directed to a vibration control system for use in a fabricating system, as opposed to claim 4 directed to the fabricating system, having a vibration control system, has been rewritten to read as claim 4 did as filed and for that reason should be allowed and should not be any more limited than claim 4 as allowed by virtue of this amendment to more particularly point out and distinctly claim the control system as it could have also been claimed in corresponding terms to claim 4 as originally filed if so originally filed.

Claim 25 is similarly rewritten as it could have been as filed and should be as allowable as claim 4 without further limits on the scope of the claim, since in addition it contains further limitations which under the principles of *In re Fine* would have made it allowable if so filed originally.

Claim 36 is similarly allowable and should not be limited in scope by this amendment to place it in a condition for allowance that it could have been placed if originally filed as was claim 4.

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Thus all of the claims presently pending in the above captioned application have merely been placed in a condition that the Examiner has found they would have been allowable if so filed originally without the need to amend for purposes of defining over any prior art and for purposed of more clearly and distinctly defining the invention in each of the claims to be at least the subject matter found in originally filed claim 4 and further limitations rendering the claims allowable as such had they been filed as such under *In re Fine*.

Claim 4 has also been amended to correct the clear typographical error too which the Examiner referred in the portion of claim 1 placed in the rewritten claim 4, i.e., changing "activities" to "activates".

Claims originally filed as dependent on claim 1 have been amended solely to correct the now incorrect recitation of dependency from claim 1 to the now correct claim 4. This amendment is solely for this purpose and not for any purpose of defining over any prior art and is not intended to nor does it have the effect of limiting the scope of the claim coverage in any way.

Claims 40-54 have been added to recite embodiments of the present invention, which, according to the Examiner's action with respect to claim 4, should have been allowable if filed as currently present with the application as filed. The Examiner is respectfully requested to allow claims 40-54.

For the above stated reasons the Examiner's rejections of claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 have been rendered improper and the Examiner is respectfully requested to withdraw the objections of claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 and allow claims 1-9, 10-23, 25, 26, 30-32, 36 and 37 and also to allow newly added claims 40-54.

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### Conclusion

Claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 and 40-54 should now be in a condition for allowance and the Examiner is respectfully requested to allow claims 1-9, 11-23, 25, 26, 30-32, 36 and 37 and 40-54.

Applicants authorize the Commissioner to charge in the amount of \$1,376.00 for the new 16 independent claims to our Deposit Account No. 03-4060. Applicants do not believe that any other charges or fees due with this response, however, if any are due, the Commissioner is hereby authorized to charge the Deposit Account of Cymer, Inc., Deposit Account No. 03-4060 for any such charges or fees.

Respectfully submitted,

  
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